


ROBERT SHIPP,)
)
 Plaintiff,)
)
 vs.) Case No. 4:10CV2297 CDP
)
 EVANS & DIXON, L.L.C.,)
)
 Defendant.)

Pending before me is defendant Evans & Dixon, L.L.C.'s motion for attorney's fees. In that motion, defendant argues that it is entitled to attorney's fees in this matter because plaintiff Robert Shipp's claims under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692g, are legally frivolous and brought in bad faith. In response, plaintiff has filed an amended complaint alleging that defendant violated the FDCPA by telephoning his mother and representing itself as his friend in order to gain information about plaintiff. Plaintiff also claims that defendant claimed plaintiff owed more money than he actually owed. Rather than filing any motion to dismiss or for judgment on the pleadings, defendant has filed an answer to that amended complaint, and provides no other support for its request for attorney's fees. In the face of this record, I can find no basis to award defendant attorney's fees at this time, and its motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for attorney's fees
[#12] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of March, 2011.